

H.765

An act relating to establishing new levels of law enforcement officer certification

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Vermont Criminal Justice Training Council \* \* \*

Sec. 1. 20 V.S.A. § 2351 is amended to read:

§ 2351. PURPOSE; ~~DEFINITION OF COUNCIL~~

(a) In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of ~~“the the~~ Vermont Criminal Justice Training ~~Council.”~~ Council.

(b) The Council is created to encourage and assist municipalities, counties, and governmental agencies of this State in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of recruit and in-service training for law enforcement officers, including members of the Department of Public Safety, capitol police officers, municipal police officers, constables, correctional officers, prosecuting personnel, motor vehicle inspectors, State investigators employed on a full-time basis by the Attorney General, fish and game wardens, sheriffs and their deputies who exercise law enforcement powers pursuant to the provisions of 24 V.S.A. §§ 307 and 311, ~~and~~ railroad police commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8, and police officers appointed to the University of Vermont’s Department of Police Services.

(c) The Council shall offer continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice.

(d) It is the responsibility of the Council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities.

Sec. 2. 20 V.S.A. § 2352 is amended to read:

§ 2352. CREATION OF COUNCIL

(a) The ~~criminal justice training council~~ Vermont Criminal Justice Training Council shall consist of the ~~commissioners of public safety, corrections, motor vehicles, fish and wildlife~~ Commissioners of Public Safety, of Corrections, of Motor Vehicles, and of Fish and Wildlife, the ~~attorney general~~ Attorney General, a member of the Vermont ~~state police~~ State Police bargaining unit of the Vermont ~~state employees' association~~ State Employees' Association or its successor entity, elected by its membership, and a member of the Vermont ~~police association~~ Police Association, elected by its membership. The ~~governor~~ Governor shall appoint five additional members so as to provide broad representation of all aspects of law enforcement and the public in Vermont on the ~~council~~ Council. The ~~governor~~ Governor shall solicit recommendations for appointment from the Vermont ~~state's attorneys association~~ State's Attorneys Association, the Vermont ~~state's sheriffs association~~ State's Sheriffs Association, and the Vermont ~~police chiefs~~

~~association~~ Police Chiefs Association, and the Vermont Constables

Association. Their term shall be three years.

\* \* \*

Sec. 3. 20 V.S.A. § 2355 is amended to read:

§ 2355. POWERS AND DUTIES

(a) The ~~council~~ Council shall adopt rules with respect to:

(1) ~~The~~ the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs;

(2) ~~Minimum~~ minimum courses of study, attendance requirements, and equipment and facilities to be required at approved law enforcement officer training schools and off-site training programs;

(3) ~~Minimum~~ minimum qualifications for instructors at approved law enforcement officer training schools and off-site training programs;

(4) ~~Minimum~~ minimum basic training for law enforcement officers in each level of law enforcement officer certification and the time within which that training shall be completed;

(5) ~~Minimum basic training in order to retain their status for law enforcement officers who are appointed on a permanent basis, and the time within which that basic training shall be completed following appointment~~;

[Repealed.]

(6) ~~Minimum~~ minimum annual in-service training requirements for law enforcement officers in each level of law enforcement officer certification;

(7) ~~Minimum~~ minimum courses of training for other criminal justice personnel;

(8) ~~Categories~~ categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to those categories or classifications;

(9) ~~Recertification~~ recertification of persons who have not been employed as law enforcement officers for a three-year period;

(10) ~~A~~ a definition of criminal justice personnel and criminal justice training for purposes of this title;

(11) ~~Decertification~~ decertification of persons who have been convicted of a felony subsequent to their certification as law enforcement officers;

(12) ~~Decertification~~ decertification of persons who have not complied with in-service training requirements, provided that the ~~council~~ Council, through its ~~executive director~~ Executive Director, may grant a 60-day waiver to a ~~police~~ law enforcement officer who has failed to meet his or her annual in-service training requirements but who is able to complete those training requirements within that 60-day period.

(b) The ~~council~~ Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal

justice personnel. The ~~council~~ Council may also offer the basic officer's course for pre-service students.

(c)(1) The ~~council~~ Council shall appoint, subject to the approval of the ~~governor~~ Governor, an ~~executive director~~ Executive Director who shall be an exempt ~~state~~ State employee, and who shall hold office during the pleasure of the ~~council~~ Council.

(2)(A) ~~He or she~~ The Executive Director shall perform such duties as may be assigned by the ~~council~~ Council. ~~The executive director is entitled to compensation, as established by law, and reimbursement for the expenses within the amounts available by appropriation.~~

(B) The ~~executive director~~ Executive Director may appoint officers, employees, agents, and consultants as he or she may deem necessary; and prescribe their duties, with the approval of the ~~council~~ Council.

(3) The Executive Director is entitled to compensation as established by law and reimbursement for expenses within the amounts available by appropriation.

(d) The ~~council~~ Council may, in addition:

(1) ~~Accept~~ accept and administer under this chapter and for its purposes contributions, capital grants, gifts, services, and other financial assistance from any individual, association, corporation, or other organization having an interest in criminal justice training, and from this ~~state~~ State and the United

States and any of their agencies and instrumentalities, corporate or otherwise; and

(2) ~~Perform~~ perform such other acts as may be necessary or appropriate to carry out the purposes of this chapter.

(e) Any agency or department of ~~state government, municipality or State,~~ county, or municipal government may, notwithstanding any provision of this chapter, engage in and pay for, from sums appropriated for that purpose, training activities for employees in addition to any minimum training required by the ~~council~~ Council.

(f) The ~~council~~ Council shall charge participants or employers of participants in law enforcement training programs as follows:

(1) The tuition ~~fee~~ fees for any of the basic training or annual in-service training required under section 2358 of this ~~title chapter~~ shall be ~~\$6,417.00~~ set forth in rules adopted by the Council. The tuition fees shall be set to reflect the actual costs for operation of the particular programs offered. ~~This fee~~ The fees for basic training shall not be charged for persons employed by police agencies at the time of training.

(2) The tuition fees for training not required under section 2358 of this ~~title chapter~~ shall be set to reflect the actual costs for operation of the particular programs offered, with an additional \$30.00 entrance exam fee.

(g) The ~~criminal justice training council~~ Council shall develop and maintain a comprehensive drug training program ~~by July 1, 1988.~~

Sec. 4. 20 V.S.A. § 2357 is amended to read:

§ 2357. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR

The ~~executive director~~ Executive Director of the ~~council~~ Council, on behalf of the ~~council~~ Council, shall have the following powers and duties, subject to the supervision of the ~~council~~ Council and to be exercised only in accordance with rules adopted under this chapter:

(1) ~~To~~ to approve, on applications made in advance, criminal justice personnel training programs and their lesson plans and instructors, to issue certificates of approval to those programs, and to revoke those approvals or certificates;

(2) ~~To~~ to certify, as qualified, instructors at approved criminal justice personnel training schools and to issue appropriate certificates to those instructors;

(3) ~~To~~ to certify criminal justice personnel who have satisfactorily completed approved training programs and to issue appropriate certificates to them;

(4) ~~To~~ to cause studies and surveys to be made relating to the establishment, operation, and approval of criminal justice training schools;

(5) ~~To~~ to consult and cooperate with law enforcement officer criminal justice training schools:

(A) to recommend a course of study in crime prevention for law enforcement students; and

(B) for the development of advanced in-service training programs for law enforcement officers, which shall include a course of study on crime prevention;

(6) ~~To~~ to consult and cooperate with universities, colleges, and institutes for the development of specialized courses of study including a course of study on crime prevention, where appropriate;

(7) ~~To~~ to consult and cooperate with other departments and agencies of the ~~state~~ State and federal government concerned with criminal justice personnel training;

(8) ~~To provide courses for persons who wish to make application for licensing as a private detective as provided in 32 V.S.A. § 9506, and to charge the applicant a reasonable fee, based on the cost of providing courses;~~

[Repealed.]

(9) ~~To~~ to perform such other acts as may be necessary or appropriate to carry out his or her powers and duties as set forth in this chapter;

(10) ~~To~~ to report to the ~~council~~ Council at each regular meeting of the ~~council~~ Council and at such other times as may be required; and



(11) ~~Approve~~ to approve and accept pre-service and military students for any of the basic officer's training course courses set forth in section 2358 of this chapter.

Sec. 5. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

(a) Unless waived by the Council under standards adopted by rule, and notwithstanding any statute or charter to the contrary, no person shall exercise law enforcement authority: as a law enforcement officer without completing a basic training course and annual in-service training within a time and manner prescribed by the Council by rule.

~~(1) as a part time law enforcement officer without completing a basic training course within a time prescribed by rule of the Council; or~~

~~(2) as a full time law enforcement officer without either:~~

~~(A) completing a basic training course in the time and manner prescribed by the Council; or~~

~~(B) having received, before July 1, 1968, permanent full time appointment as a law enforcement officer, and completing a basic training course before July 1, 1982.~~

~~(3) as a full or part time law enforcement officer without completing annual in-service training requirements as prescribed by the Council.~~

(b) The Council shall offer or approve basic training and annual in-service training for each of the following three levels of law enforcement officer certification in accordance with the scope of practice for each level, and shall determine by rule the scope of practice for each level in accordance with the provisions of this section:

(1) Level I certification.

(A) An applicant for certification as a Level I law enforcement officer shall first complete an off-site training program prior to entering and completing Level I basic training. Level I basic training shall include training to react to the circumstances described in subdivision (B) of this subdivision (1).

(B)(i) The scope of practice of a Level I law enforcement officer shall be limited to security, transport, vehicle escorts, and traffic control, as those terms are defined by the Council by rule, except that a Level I officer may react in the following circumstances if the officer determines that it is necessary to do any of the following:

(I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;

(II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;

(III) detain an individual whom the officer reasonably believes has committed a crime in the presence of the officer; or

(IV) detain an individual whom the officer reasonably believes has committed a felony under Vermont law.

(ii) If a Level I officer reacts to any of the circumstances described in subdivision (i) of this subdivision (B), he or she shall call upon an officer certified to respond and assume law enforcement authority over the incident.

(2) Level II certification.

(A) An applicant for certification as a Level II law enforcement officer shall first complete Level II basic training and may then become certified in a specialized practice area as set forth in subdivision (B)(ii) of this subdivision (2). Level II basic training shall include training to respond to calls regarding alleged crimes in progress and to react to the circumstances described in subdivision (B)(iii) of this subdivision (2).

(B)(i) Except as provided in subdivisions (ii) and (iii) of this subdivision (B), the scope of practice of a Level II law enforcement officer shall be limited to investigating the following matters:

(I) 13 V.S.A. chapter 7 (advertisements);

(II) 13 V.S.A. chapter 8 (humane and proper treatment of animals);

(III) 13 V.S.A. chapter 19, subchapter 1 (riots);

(IV) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023 (simple assault), 1026 (disorderly conduct), and 1031 (interference with access to emergency services);

(V) 13 V.S.A. chapter 35 (escape);

(VI) 13 V.S.A. chapter 41 (false alarms and reports);

(VII) 13 V.S.A. chapter 45 (flags and ensigns);

(VIII) 13 V.S.A. chapter 47 (frauds);

(IX) 13 V.S.A. chapter 49 (fraud in commercial transactions);

(X) 13 V.S.A. chapter 51 (gambling and lotteries);

(XI) 13 V.S.A. chapter 57 (larceny and embezzlement), except for subchapter 2 (embezzlement);

(XII) 13 V.S.A. chapter 67 (public justice and public officers);

(XIII) 13 V.S.A. chapter 69 (railroads);

(XIV) 13 V.S.A. chapter 77 (trees and plants);

(XV) 13 V.S.A. chapter 81 (trespass and malicious injuries to property);

(XVI) 13 V.S.A. chapter 83 (vagrants);

(XVII) 13 V.S.A. chapter 85 (weapons);

(XVIII) any matter within the jurisdiction of the Judicial Bureau as set forth in 4 V.S.A. § 1102;

(XIX) municipal ordinance violations;

(XX) any matter within the jurisdiction of a game warden or deputy game warden as set forth in 10 V.S.A. chapter 103, subchapter 4 (game wardens); and

(XXI) any matter within the scope of practice of a Level I law enforcement officer.

(ii) In addition to the scope of practice permitted under subdivision (i) of this subdivision (B), a Level II law enforcement officer may also practice in additional areas approved in writing by the Council based on a special certification or training approved by the Council pursuant to rules adopted by the Council.

(iii) Notwithstanding the limitations set forth in subdivisions (i) and (ii) of this subdivision (B), a Level II officer may respond to calls regarding alleged crimes in progress and may react in the following circumstances if the officer determines that it is necessary to do any of the following:

(I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;

(II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;

(III) detain an individual whom the officer reasonably believes has committed a crime in the presence of the officer; or

(IV) detain an individual whom the officer reasonably believes has committed a felony under Vermont law.

(iv) If a Level II officer responds to calls regarding alleged crimes in progress or reacts to any of the circumstances described in subdivision (iii) of this subdivision (B) and that response or reaction is outside the scope of his or her scope of practice, he or she shall call upon an officer certified to respond and assume law enforcement authority over the incident.

(3) Level III certification.

(A) An applicant for certification as a Level III law enforcement officer shall complete Level III basic training.

(B) The scope of practice of a Level III law enforcement officer shall include all law enforcement authority.

(c) All programs required by this section shall be approved by the Council. Completion of a program shall be established by a certificate to that effect signed by the Executive Director of the Council.

~~(c)~~(d) As used in this section:

(1) "Law enforcement officer" means a member of the Department of Public Safety who exercises law enforcement powers, a member of the State police, a capitol police officer, a municipal police officer, a constable who exercises law enforcement powers, a motor vehicle inspector, an employee of the Department of Liquor Control who exercises law enforcement powers, an

investigator employed by the Secretary of State, Board of Medical Practice  
investigators employed by the Department of Health, Attorney General, or a  
~~state's attorney~~ State's Attorney, a fish and game warden, a sheriff, or deputy  
sheriff who exercises law enforcement powers, ~~or~~ a railroad police officer  
commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8, or a police  
officer appointed to the University of Vermont's Department of Police  
Services.

(2) ~~"Full time law enforcement officer" means a law enforcement~~  
~~officer with duties of a predictable and continuing nature which require more~~  
~~than 32 hours per week and more than 25 weeks per year~~ "Off-site training"  
means training provided off the premises of a law enforcement officer training  
school and approved by the Council under the provisions of section 2355 of  
this chapter.

(3) ~~"Part time law enforcement officer" means a law enforcement~~  
~~officer who is not employed full time.~~ [Repealed.]

~~(d) The council may determine whether a particular position is full time or~~  
~~part time.~~

(e) The criteria for all minimum training standards under this section shall  
include anti-bias training approved by the Vermont Criminal Justice Training  
Council.

Sec. 6. 20 V.S.A. § 2361 is amended to read:

§ 2361. ADDITIONAL TRAINING

(a) Nothing in this chapter prohibits any ~~commissioner, department or State agency head, department, or office~~ or any municipality or county of the State from providing additional training beyond basic training to its personnel in ~~their agencies or departments~~ where no certification is requested ~~from the director of~~ or required by the council Council or its Executive Director.

(b) The ~~commissioner of public safety~~ head of a State agency, department, or office, a municipality's chief of police, or a sheriff may seek certification from the ~~criminal justice training council of~~ Council for any additional in-service training he or she may provide to his or her employees.

Sec. 7. TRANSITIONAL PROVISIONS; OFFICER CERTIFICATION AND  
RULEMAKING AUTHORITY

(a) On the effective date of Sec. 5 of this act, 20 V.S.A. § 2358 (minimum training standards; definitions), any law enforcement officer certified by the Vermont Criminal Justice Training Council immediately prior to the effective date of Sec. 5 as:

(1) a part-time law enforcement officer shall be considered to be a Level II law enforcement officer, unless that officer submits in writing to the Council that he or she would like to be considered a Level I officer.



(2) a full-time law enforcement officer shall be considered to be a Level III law enforcement officer, unless that officer submits in writing to the Council that he or she would like to be considered a Level I or Level II officer.

(b) Any special certification that a part- or full-time law enforcement officer described in subsection (a) of this section held as part of his or her part- or full-time certification shall transfer to his or her new level of certification described in subsection (a).

(c) The Vermont Criminal Justice Training Council shall adopt rules in order to implement the provisions of Secs. 3, 20 V.S.A. § 2355 (powers and duties), and 5, 20 V.S.A. § 2358 (minimum training standards; definitions), of this act prior to the effective date of Secs. 3 and 5.

Sec. 8. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL;

RECOMMENDED TRANSITION BETWEEN DIFFERENT

LEVELS OF LAW ENFORCEMENT OFFICER CERTIFICATION

On or before January 15, 2015, the Vermont Criminal Justice Training Council shall submit to the House and Senate Committees on Government Operations:

(1) the Council's recommendation regarding the manner in which a law enforcement officer should be able to transition to a different level of law enforcement officer certification, once the officer has obtained one of the

levels of certification described in Sec. 5 of this act, 20 V.S.A. § 2358

(minimum training standards; definitions); and

(2) after consulting with the Vermont Police Association, Inc., the  
Chiefs of Police Association of Vermont, the Vermont Constables Association,  
the Vermont Sheriffs' Association, Inc., and a representative from the  
Department of Public Safety, any Council recommendation regarding whether  
there should be any changes to the scope of practice for any of the levels of  
law enforcement officer certification described in Sec. 5 of this act,  
20 V.S.A. § 2358.

\* \* \* Law Enforcement Advisory Board \* \* \*

Sec. 9. 24 V.S.A. § 1939 is amended to read:

§ 1939. LAW ENFORCEMENT ADVISORY BOARD

(a) A Law Enforcement Advisory Board is created within the Department of Public Safety to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies which exercise law enforcement responsibilities. The Board shall review any matter which affects more than one law enforcement agency. The ~~board~~ Board shall comprise the following members:

\* \* \*

(3) the Director of the Vermont Criminal Justice ~~Support~~ Services  
Division;

\* \* \*

(12) the Defender General or ~~his or her~~ designee; ~~and~~

(13) one employee-representative of the Vermont State Police,  
appointed by the Director of the Vermont State Employees' Association; and

(14) a member of the Vermont Constables Association appointed by the  
President of the Association.

\* \* \*

\* \* \* Capitol Police \* \* \*

Sec. 10. 2 V.S.A. § 70 is amended to read:

§ 70. CAPITOL POLICE DEPARTMENT

\* \* \*

(b) Powers; training.

(1) Capitol police officers shall have all the same powers and authority as sheriffs and other law enforcement officers anywhere in the State, which shall include the authority to arrest persons and enforce the civil and criminal laws, keep the peace, provide security, and to serve civil and criminal process. For this purpose, capitol police officers shall subscribe to the same oaths required for sheriffs.

(2) Notwithstanding any other provision of law to the contrary, a capitol police officer shall be a Level II or Level III law enforcement officer certified

by the Vermont ~~criminal justice training council~~ Criminal Justice Training Council pursuant to the provisions of 20 V.S.A. chapter 151.

\* \* \*

\* \* \* Investigators Employed by the Secretary of State \* \* \*

Sec. 11. 3 V.S.A. § 123(f) is amended to read:

(f) Classified State employees who are employed as investigators by the Secretary of State who have successfully met the standards of training for a ~~full-time~~ Level III law enforcement officer under 20 V.S.A. chapter 151 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

\* \* \* Vermont Employees Retirement System \* \* \*

Sec. 12. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:

\* \* \*

(9) "Employee" shall mean:

\* \* \*

(B) any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers' Retirement System, any person engaged under retainer or special agreement or C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor Control who exercise law enforcement powers, employees of the Department of Fish and Wildlife assigned to law enforcement duties, motor vehicle inspectors, full-time deputy sheriffs ~~employed~~ compensated by the State of Vermont whose primary function is transports, full-time members of the capitol police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State's Attorneys, Department of Health, or Office of the Secretary of State, who have attained ~~full-time~~ Level III law enforcement officer certification from the Vermont Criminal

Justice Training Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. ~~section~~ § 623(j), who are first included in membership of the system on or after July 1, 2000. Also included under this subdivision are full-time firefighters employed by the State of Vermont.

\* \* \* Labor Relations \* \* \*

Sec. 13. 3 V.S.A. § 972 is amended to read:

§ 972. DEFINITIONS

As used in this subchapter:

\* \* \*

(3) "Public body" means:

\* \* \*

(E) a law enforcement officer as defined in

20 V.S.A. § 2358~~(e)~~(d)(1);

\* \* \*

\* \* \* Railroad Police \* \* \*

Sec. 14. 5 V.S.A. chapter 68, subchapter 8 is amended to read:

Subchapter 8. Railroad Police

§ 3755. COMMISSIONS

Upon petition of a person or corporation owning or operating a railroad, the ~~commissioner of public safety~~ Commissioner of Public Safety may, subject to the provisions of section 3757 of this subchapter, commission any employees of the railroad as the person or corporation designates to act as police officers in and upon the premises and equipment owned, managed, or used by a railroad, shall issue commissions to the employees ~~to act as police~~ so commissioned, and shall have the authority to rescind such commissions.

\* \* \*

§ 3757. QUALIFICATIONS

Persons commissioned pursuant to section 3755 of this ~~title~~ subchapter shall be subject to minimum training standards established by rule of the Vermont ~~criminal justice training council~~ Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151; ~~provided that persons employed as full-time railroad police before January 1, 1981, shall have until July 1, 1984, to meet the minimum training standards or equivalent standards as determined by the council, and may continue to function under laws in effect prior to passage of~~

~~this subchapter until July 1984, or until receiving a commission under this subchapter, whichever occurs sooner.~~

\* \* \*

§ 3763. TERMINATION OF AUTHORITY

Upon termination of employment as a railroad police officer of any person commissioned pursuant to this subchapter, the person's commission shall be automatically rescinded and his or her powers as a police officer shall terminate. Within 10 days after the termination, the employing railroad shall file a notice of the termination with the ~~commissioner of public safety~~ Commissioner of Public Safety and the Vermont Criminal Justice Training Council. The ~~state~~ State of Vermont shall not be responsible for the supervision, discipline, or decision to terminate the employment of persons commissioned as railroad police officers under this subchapter.

\* \* \*

\* \* \* Liquor Control \* \* \*

Sec. 15. 7 V.S.A. § 561 is amended to read:

§ 561. AUTHORITY OF LIQUOR CONTROL INVESTIGATORS;

ARREST FOR UNLAWFULLY MANUFACTURING,

POSSESSING, OR TRANSPORTING ALCOHOLIC BEVERAGES;

SEIZURE OF PROPERTY



(a) The Director of the Enforcement Division of the Department of Liquor Control and investigators employed by the Liquor Control Board or by the Department of Liquor Control shall be certified as ~~full-time~~ Level III law enforcement officers by the Vermont Criminal Justice Training Council and shall have the same powers and immunities as those conferred on the State Police by 20 V.S.A. § 1914.

\* \* \*

\* \* \* Game Wardens \* \* \*

Sec. 16. 10 V.S.A. § 4198 is amended to read:

§ 4198. POLICE POWERS; TRAINING; STATE GAME WARDENS;

DEPUTY GAME WARDENS

Upon ~~certification by the executive director of the criminal justice training council of the successful completion of the training program for~~ obtaining from the Vermont Criminal Justice Training Council Level II or Level III law enforcement officers officer certification as established in 20 V.S.A. § 2358, ~~state~~ State game wardens and deputy game wardens shall have the same law enforcement authority, duties, and powers as ~~state police~~ State Police, sheriffs, constables, and municipal police, and shall have all immunities and defenses now or hereafter available to ~~state police~~ State Police, sheriffs, constables, and municipal police in a suit brought against them in consequence of acts done in the course of their employment. State game wardens and deputy game

wardens shall receive their regular compensation during the time they are enrolled in the training program.

\* \* \* Crimes and Criminal Procedure \* \* \*

Sec. 17. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS

A person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

- (1) a Level III certified, ~~full-time~~ law enforcement officer or ~~department of fish and wildlife~~ Department of Fish and Wildlife employee in connection with his or her duties and responsibilities and in accordance with the policies and procedures of that officer's or employee's agency or department; or
- (2) the Vermont National Guard in connection with its duties and responsibilities.

\* \* \* Investigators Appointed by a State's Attorney \* \* \*

Sec. 18. 24 V.S.A. § 364 is amended to read:

§ 364. INVESTIGATOR

(a)(1) A ~~state's attorney~~ State's Attorney may appoint an investigator and, with the approval of the Governor, shall fix the investigator's pay not to

exceed that of a noncommissioned officer of the Department of Public Safety, and may remove the investigator at will.

(2) An investigator shall be reimbursed for necessary expenses incurred in connection with his or her official duties when approved by the ~~state's~~ State's Attorney and the Commissioner of Human Resources.

(3) Investigators shall take part in the investigation of crime, the detection of persons suspected of committing crimes, the preparation of any criminal cause for trial, and other tasks related to the ~~state's attorney's office~~ Office of the State's Attorney.

(4) No person may be appointed as an investigator unless he or she has had appropriate experience in investigative work for a period of not less than two years, including employment as a private detective or a law enforcement officer, or has successfully completed a course of training under 20 V.S.A. chapter 151.

(b) A person appointed as an investigator who has ~~successfully completed a course of training under 20 V.S.A. chapter 151~~ obtained certification as a Level II or Level III law enforcement officer under the provisions of 20 V.S.A. § 2358 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made

available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

\* \* \* Constables \* \* \*

Sec. 19. 24 V.S.A. § 1936a is amended to read:

§ 1936a. CONSTABLES; POWERS AND QUALIFICATIONS

\* \* \*

(d) A municipal legislative body may vote to allow a constable elected or appointed in another municipality to exercise law enforcement authority in its municipality, provided that:

(1) the constable is not prohibited from exercising law enforcement authority under subsection (a) of this section;

(2) the constable ~~has completed the training requirements for a full-time or part-time law enforcement officer~~ is certified to exercise that level of authority under 20 V.S.A. § 2358; and

(3) the exercise of law enforcement authority is conducted in accordance with policies and procedures adopted by the legislative body establishing the circumstances under which the authority may be exercised.

\* \* \* Investigators Employed by the Board of Medical Practice \* \* \*

Sec. 20. 26 V.S.A. § 1351 is amended to read:

§ 1351. BOARD OF MEDICAL PRACTICE

\* \* \*

(f) Classified ~~state~~ State employees who are employed as investigators by the ~~department of health~~ Department of Health who ~~have successfully met the standards of training for a full-time~~ are certified as a Level III law enforcement officer under ~~20 V.S.A. chapter 151~~ 20 V.S.A. § 2358 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

\* \* \* Correctional Officers \* \* \*

Sec. 21. 28 V.S.A. § 551a is amended to read:

§ 551a. LAW ENFORCEMENT POWERS OF CORRECTIONAL  
OFFICERS; TRAINING REQUIREMENTS

(a) The ~~commissioner of corrections~~ Commissioner of Corrections shall establish training requirements necessary for a correctional officer to be authorized to exercise the power to arrest a person on probation under section 301 of this title, to arrest a person serving supervised community sentence under section 363 of this title, or to arrest a person on parole under section 551 of this title. The required training shall include ~~but not be limited to~~ training in search and seizure, criminal law, authority to arrest, use of force, reporting and record keeping, and liability for actions and conduct.

(b) The ~~commissioner~~ Commissioner may also authorize and designate any correctional officer as defined in subdivision 3(10) of this title to become certified by the ~~criminal justice training council~~ Vermont Criminal Justice Training Council as a ~~part-time~~ law enforcement officer, pursuant to the provisions of ~~chapter 151 of Title 20 V.S.A.~~ chapter 151. The ~~commissioner~~ Commissioner and the ~~director of the training academy~~ Executive Director of the Vermont Criminal Justice Training Council shall develop curriculum subject to the approval of the ~~training council~~ Council. The ~~commissioner~~ Commissioner by ~~department~~ Department policy may prescribe the use of those law enforcement powers consistent with the official duties and job descriptions of the correctional officer, and may direct that the correctional officer not carry any weapon while on duty. Any person hereby certified shall be sworn by the ~~commissioner~~ Commissioner.

\* \* \* Sheriffs \* \* \*

Sec. 22. 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The annual salaries of the sheriffs of all counties except Chittenden shall be \$67,688.00 as of July 1, 2012 and \$70,192.00 as of July 14, 2013. The annual salary of the sheriff of Chittenden County shall be \$71,631.00 as of July 1, 2012 and \$74,281.00 as of July 14, 2013.

(b) Compensation under subsection (a) of this section shall be reduced by 10 percent for any sheriff who has not ~~completed the full-time training requirements~~ obtained Level III law enforcement officer certification under 20 V.S.A. § 2358.

\* \* \* Effective Dates \* \* \*

Sec. 23. EFFECTIVE DATES

This act shall take effect on July 1, 2015 except:

(1) this section and Secs. 7 (transitional provisions; officer certification and rulemaking authority) and 8 (Vermont Criminal Justice Training Council; recommended transition between different levels of law enforcement officer certification) shall take effect on passage; and

(2) Sec. 2, 20 V.S.A. § 2352 (creation of Council), and Sec. 9, 24 V.S.A. § 1939 (Law Enforcement Advisory Board), shall take effect on July 1, 2014.